

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LEROY SIMMONS,)
)
Plaintiff,)
)
vs.) Case No. 4:06CV1045 CDP
)
PATRICK BRYANT, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

Plaintiff has filed a “Notice of Motion to Compel Reply to Answer.” It is unclear from reading the filing whether plaintiff intended it to be a motion or a notice to the Court. The Court has interpreted the filing as a motion to compel which will be denied for failure to comply with Local Rule 37 - 3.04. According to Local Rule 37 - 3.04, the Court will not consider any motion relating to discovery unless it contains a statement that movant has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, the parties have been unable to reach an accord. The motion contains no indication of any attempt to resolve the discovery dispute between *pro se* plaintiff and defendants’ counsel. In the event that plaintiff did not intend for this filing to be a motion but to be a notice to defendants’ counsel, plaintiff is warned that discovery documents are not to be filed with the Court unless they are exhibits to a motion. Additionally, if

plaintiff files any motions to compel, he must attach copies of the discovery requests and the defendants' objections as exhibits to any motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [#33] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of March, 2007.